

COMMISSIONERS APPROVAL

GRANDSTAFF 

ROKOSCH 

THOMPSON 

CHILCOTT 

DRISCOLL 

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta Grandstaff, Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg Chilcott and Commissioner Kathleen Driscoll

Date.....August 6, 2008

Minutes: Beth Perkins

► The Board met for the following administrative matters:

- Minute approval of July 10<sup>th</sup> and July 22<sup>nd</sup>: **Commissioner Chilcott made a motion to approve the minutes from July 10<sup>th</sup> and July 22<sup>nd</sup>. Commissioner Driscoll seconded the motion and all voted 'aye'.**
- Approval of Addendum to Construction Easements for Kootenai Bridge Project: Road and Bridge Supervisor David Ohnstad was present. David presented the Board with the detour agreement by the Browns and Costons. Discussion followed regarding the payment to the families.  
  
**Commissioner Chilcott made a motion to approve the addendum to the Construction easements for Kootenai Bridge project for \$7,500. Commissioner Rokosch seconded the motion and all voted 'aye'.**
- Approval of Indemnity statement for liability to the Browns and the Costons: **Commissioner Chilcott made a motion to approve the indemnity statement for the Browns and the Costons. Commissioner Rokosch seconded the motion and all voted 'aye'.**
- Discussion and decision on requesting speed study or reduction of speed on Highway 93 and Woodside: **Commissioner Chilcott made a motion to request a speed study for Highway 93 and Woodside. Commissioner Driscoll seconded the motion and all voted 'aye'.**

► The Board met for discussion and possible decision in regard to paving North Kootenai road with Ed Cummings and Road & Bridge Supervisor David Ohnstad.

Ed stated the gravel mine began operation at North Kootenai and Highway 93 and with the accompanying paving at the site, provides the county an opportunity to 1) have Schellinger Construction pave North Kootenai Creek Road 2) develop a gravel supply on the west side of Stevensville and/or 3) obtain large over-sized rock out of the mine.

Commissioner Chilcott asked if the rock is fractured. Ed replied no, it is whole. He stated there were two pits on his property. The pit Schellinger is operating is an extension of the pit the County had opened in the past. (2004) In July 2003, Ravalli County entered into a contract with Ed to purchase gravel and rock within the mine Schellinger Construction is using. At the time, the Road Supervisor Reid Willy told him the County needed the mine to provide gravel to pave the road. The County did open the mine and used 25,000 yards of gravel. North Kootenai Creek Road connects to Highway 93 and Kootenai Trail. The dust from the road creates a problem for the residents and coats the forest floor. Reid had told him the Forest Service will assist the County in paving the North Kootenai Creek Road. Ed stated as to date, the road is not paved and the mine has since been abandoned. Ed stated the option is to have Schellinger Construction pave North Kootenai Creek Road. They have the material and are paving now. This also is an opportunity to obtain a supply of gravel. Ed stated he would be willing to give the rock free if the County would pave North Kootenai Creek Road.

Ed stated the residents of North Kootenai Creek Road are very understanding of what the County is trying to do with the excavation of the rock and the crushers in use. The argument is the road needs to be paved. He requested the Board does not forget the promise made to pave the road.

David stated in 2003, the County's 40 acre gravel mine was under the order of DEQ to stay out because of alleged discharge. At that time, the Road & Bridge Department could not enter due to this alleged dumping of oil barrels. He stated they did find debris but no barrels. It came as a tremendous cost to clean and mitigate the site. It was determined the material from that mine would not meet their needs and had been abandoned. The Stevensville pit at the Airport is owned by the County. David continued to give additional history on the mine. There is a gap of legal easement on the Kootenia Creek Road (50 feet). The next section is the Forest Service. To honor the agreement, the Road & Bridge Department re-graded it and provided dust abatement. As for Ed's offer, the rock is too large to be mined. It is river rock. They are looking every week for a new source of material. David stated as for paving North Kootenai Creek Road, the Commissioners have already adopted the gravel road improvement program where the citizens get together and move the easements and pay to pave the road with chip seal. Commissioner Grandstaff asked what the outcome was of the lawsuit against the Forest Service. David replied he believes it was settled.

Commissioner Driscoll stated rip rap is one part of the picture. Ed has a different type of rock. She asked if it would fit some other County needs. David replied no. The material being used on the State Highways is going to be covered up with pavement. The gravel at the Stevensville pit is being used and it is very good for projects. In looking for additional gravel, it has to be within certain standards. David stated the primary need is for surface aggregate. They can process material that is less quality however, the work would need to be redone in a short length of time due to lack of quality. He stated the dedicated easement is in question for the first 60 feet of the road and then it goes down to 50 feet and then 30 feet at Wankatanka. Commissioner Chilcott stated for clarity; the last half mile is dust abated.

Commissioner Thompson asked about the cost to the County to pave the road. Ed stated the first mile is from Highway 93 to Wankatanka . He stated whatever the cost is, today it can be done for free gravel and a free easement.

Commissioner Rokosch stated his concerns about the cost. He asked David about the contract the County entered into with Ed with the expectations that were written. David replied the contract was to extract material from Ed's property. There were negotiations with Ed and they had released the permit to Ed. The County does not have a dog in this fight. Commissioner Rokosch asked about any legal obligations to pave the road. Ed stated there is no binding legal obligation of the County to pave the road, however, it was agreed in the original contract. He read the portion of the contract in 2004 promising to pave the road.

Ed discussed the term "wear abrasion". He stated he is not here to sell gravel but call attention to the opportunities to pave the road. Commissioner Grandstaff asked why the gravel does not meet the standards. David replied it would have to be picked up and hauled to an asphalt plant for processing. It could be used as cushion material but it is not desirable. It could not be used for asphalt paving. Ed stated the batch plants can be portable. When you mix these oils for asphalt and crushed rock, you want the hardest rock you can get. Schellinger Construction will be at this site with hard rock suitable for asphalt. He doubts they can get the rock for the asphalt from this mine but they will have the right rock available.

Commissioner Chilcott asked about the ADT. In the summer time it has to be higher. David replied he does not know if there is a traffic count for that area. Commissioner Chilcott stated he is sympathetic to the people living there for traffic and dust. The question is how they can be assisted, for instance the agricultural people get a layer of dust on their crops. The data is needed for the seasonal increase in traffic to make a good decision. David replied if he had a dime for every road that was promised to be paved, he would be rich. There was a decision back in 2004 to not pave minor collector roads. He believes by paving this road it will set precedence for other minor collector roads.

Ed stated if you want to get a project done and the Road Supervisor says it is going to be done and a new fellow comes along and says we aren't going to do this now it bad business. The trail was created for public enjoyment. It should not be up to the private

citizens to pay to benefit the public. Ed stated he will do his part of it but convincing the folks on the road to pay to pave it is another thing since it was already promised.

Commissioner Grandstaff stated \$2,090 has been collected for taxes along the road. She suggested bringing the information to the neighbors to show how much is going to the Road & Bridge Department. She believes if the neighbors will pay for the materials, the Road & Bridge Department will do the work. Ed replied the dust problem on the road is created by a project that was done by and for the County. David stated the Forest Service cannot expend public dollars on roads except entrances to the forest trails and accesses. He stated the County has an agreement with the Forest Service to cooperatively work together to find solutions for these problems. Even though the Road & Bridge Department is working with governmental entities, they have to work within the administrative restrictions of the law.

Commissioner Thompson stated gateway communities have access to public lands within policy. We are talking about Natural Resources being a tourist attraction. It behooves Ravalli County to get as much paving done in the summer that it can. Does this road need it? He does not know due to the cost. He would like to get more information before dismissing it entirely. He discussed possible grants and would like to explore it due to it being a popular trailhead. David stated he is not dismissing it and will investigate the costs.

Commissioner Rokosch stated in discussion with the Forest Service, there is a balance of \$33,000 available. Is it available for a contribution to dust abatement? David replied they already have contributed to some dust abatement. It is part of an ongoing discussion to extend it. Some of it has been committed to other projects.

Commissioner Driscoll asked David for a list of main arteries of the trails for Tester's team coming in on August 21<sup>st</sup>.

Commissioner Grandstaff suggested Ed work with the Road & Bridge Department and his neighbors to get the paving done. This is a huge can of worms since it is on an access for Forest Service trails. Ed stated there is an offer for free gravel and expanded easement for free and there is a paving contractor at the location. If it is something the county can do something with - great. Commissioner Grandstaff stated she appreciates the offer, however, the rock cannot be used. She does not know if there are any funds available to hire the private contractor to pave the road. She suggested looking into it further. Commissioner Rokosch stated they need numbers before determining any kind of decision. He further discussed the possible funds that may be available with the Forest Service. David replied he can bring it up the next time he speaks to the Forest Service Supervisor and will come up with some numbers. **It was the Board's consensus to come up with the costs and research other funding options and then bring it forth for further discussion.**

► The Commissioners participated in a Work Session on Draft C Zoning.